

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY E D

FREDERICK BANKS,
Petitioner,

FEB - 7 2022

v.
BOP NATIONAL LOCKDOWN;
FEDERAL BUREAU OF PRISONS;
MICHAEL CARJAVAL, DIRECTOR
WARDEN L. N'DIAYE,
Respondents

Case No. M
WILLIAM T. WALSH
CLERK

[CLASS ACTION]

PETITION FOR A WRIT OF MANDAMUS;
AND PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner Frederick Banks, an American Indian ("Banks") alleges for his Mandamus and Habeas Corpus petition as follows;

Respondents owed Banks a duty to provide him with access to a Law Library or persons trained in the Law so that he may continue to litigate his Habeas Corpus cases in this Court and in the 3rd Circuit Court of Appeals under Bounds v. Smith — US — () & Johnson v. Avery — US — (). Because of a bogus and unnecessary "National Lockdown", Respondents violated their clear legal duty owed which violated Due Process and caused Banks to lose cases that would have freed him from custody or led to a speedier release. The lockdown incident has nothing to do with Banks place of current confinement, ft. Dix and the access should have never been restricted. On top of that Respondents by restricting Banks and other inmates to Trulins and Truphone (email, & telephone) violated the First

Amendment Right to Free Speech & Association.

Banks is being unlawfully held in custody by Respondents pursuant to the above and a 2255 is inadequate and ineffective to challenge the legality of his detention because Banks is challenging the execution of the sentence.

All available remedies have been exhausted because when Banks asked staff for administrative remedies in relation to these issues staff stated that remedies were not available due to the lockdown. As a result Banks has exhausted. See Banks v. One or more Unknown Named Confidential Informants (MOPA).

WHEREFORE, the petition for a writ of Mandamus and Habeas Corpus should be granted. The Court should order Respondents to provide Banks with access to a Law Library, email and Telephone and he should be discharged from custody. The Court should declare that Banks' Due process and First Amendment Rights have been violated by the illegal conduct. Banks should be discharged from custody along with all other requested and warranted relief. The Court should certify this action as a class action and appoint class counsel to represent the class. Executed on 2/2/22 under the penalty for perjury.

Perfectly Submitted,

Frederick Banks
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